

Please add the following new claim:

41. A clamp device comprising:

- a first member having a handle portion and a jaw portion;
- a second member having a handle portion and a jaw portion, wherein the handle portion of the second member defines a notch extending from an outer surface of the handle portion of the second member at least partially into the handle portion of the second member;
- a pivot pivotally coupling the first member and the second member intermediate their respective handle portion and jaw portion for opposed pivotal motion;
- an arcuate clamp bar having a first end coupled to the first member and a second end, an arc of the arcuate clamp bar being concentric with the pivot; and
- a brake lever having an end pivotally coupled to the second member and having an aperture with the arcuate clamp bar extending therethrough, the brake lever movable laterally between a frictionally engaged position, frictionally engaging the arcuate clamp bar and a disengaged position, and substantially motionless longitudinally, wherein an end of the brake lever is pivotally coupled to the second member by being disposed within the notch in the handle portion of the second member, the brake lever pivoting against the inner surfaces of the notch in the handle portion of the second member.

REMARKS

I. Election/Restriction

Applicants respectfully traverse the Examiner's statement that newly submitted claims 22-29 are directed to an invention that is independent or distinct from the invention originally claimed. It is submitted that claims 22-29 would clearly be searchable via the same classifications searched for the original set of claims. Further in this regard, the

Examiner has not explained the particularities as to why it is submitted that these claims are "independent" or "distinct" from the original claims. The Office Action submitted by the applicants on December 22, 2000 explain the differences between these claims and the prior art and their relevance to the originally submitted claims.

It is respectfully requested that the Examiner withdraw the restriction requirement with respect to these claims and examine the claims 22-29 in the present application. Should the Examiner decline to do so, applicants reserve the right to file a continuation application including at least these restricted claims.

II. Claim Rejections Under 35 U.S.C. § 102

Claims 1, 2, 4, 18, 20 and 21 have the been rejected by the Examiner under 35 U.S.C. § 102(b) as being anticipated by Sarvie. Applicants traverse this rejection. The Examiner notes in the Office Action that Sarvie discloses certain elements of the clamp device claimed in claim 1 as submitted in the previous Amendment. It is important to note, however, that the Examiner has not explained how Sarvie discloses any of the other limitations recited in claim 1. For example, although Sarvie appears to disclose a notch 26 and a brake lever 39, Sarvie does not disclose the relationship between the two as recited in the claim. Indeed, the applicants' brake lever, as recited in the claim, pivots within a notch in the handle portion of the second member. No such brake lever pivoting action is disclosed in Sarvie. Rather, instead of a brake lever pivoting with the notch, Sarvie discloses clutch plates 31 and 32 which abut adjacent a fulcrum portion 33 of a cam shaft 34. This can be seen in column 2, lines 29-35 of the Sarvie patent. The cam shaft 34 is attached to a lever 39 encircling the end portion of a handle 23. (Col. 2, lines 36-47).

To further clarify the differences between mechanism of the applicants' invention and that of the prior art, applicants have amended claim 1 to recite the coupling of the lever with the notch and to include the limitation that a hand grip portion is integral with the handle portion of the second member. These limitations are clearly shown in the drawings and do not constitute new matter.

With respect to the hand grip, Sarvie reference shows that the user must grip a pivoting lever 39 and cause that non-integral member 39 to move relative to the handle 23 in order to adjust the pliers shown. Sarvie therefore discloses a much more complicated mechanism that differs from the applicants' invention for at least the reasons disclosed above. Because Sarvie clearly does not meet the limitations of amended claim 1 and the claims on which it depends, the Examiner's rejection of claims 1, 2, 4, 18, 20 and 21 should be withdrawn.

III. Claim Rejections Under 35 U.S.C. § 103

The Examiner has rejected claims 5, 6, 8-11, 13-15, 17 and 34-38 under 35 U.S.C. § 103(a) as being unpatentable over Sarvie in view of Wolff et al. The applicants traverse this rejection for the following reasons.

As noted above, independent claim 1 should now be allowable over the Sarvie reference. Furthermore, the applicants submit that it would not be obvious to modify Sarvie to achieve the invention of independent claim 1 or its dependent claims, because modification of the lever arm 39 in Sarvie to achieve an integral hand grip portion would render the device of Sarvie unusable. Thus, it is submitted that independent claim 1, and

its associated dependent claims, including claims 5, 6 and 8-9, are clearly patentable over the Sarvie reference.

Turning now to independent claim 10 and its associated dependent claims 11, 13-15 and 17, the Examiner has suggested that the Wolff et al. reference discloses biased jaws and handles provided by a spring 5 for the purpose of providing tension in the pliers.

The applicants respectfully traverse the Examiner's rejection under § 103(a) because the Examiner improperly combines the Wolff et al. reference with the Sarvie without any suggestion to combine the two. The Sarvie reference discloses a pliers-type device that operates using a clutch system to lock the pliers in a closed position. This is described in column 3, lines 54-61 of the Sarvie patent. There is no suggestion to provide a spring of any kind at the pivot point of the Sarvie pliers to assist in biasing the pliers to the closed position. In fact, if Sarvie was combined with the Wolff et al. reference as suggested by the Examiner, the locking mechanism of the Sarvie reference would be rendered obsolete and, at the very least, inoperable. Moreover, the spring tension provided by the spring 5 at the pivot point 1 of the pliers in the Wolff et al. reference teaches away from the necessity of having any locking mechanism on the Wolff et al. pliers, since the Wolff pliers are biased to the closed position by the spring.

Even if the Sarvie reference and the Wolff et al. reference were combinable, the resulting pliers would not be achieved as claimed in claim 10. The simplified structure of the applicants' clamp device is not reflected in the complex clutch structure of the Sarvie reference. To emphasize this distinction, claim 10 has been amended to recite the handle portion having a hand grip portion integral with the handle portion, similar to the limitation added to claim 1. As noted above, the Sarvie reference discloses a lever 39 that locks

relative to the handle 23 and interferes with the user's contact with the handle 23. Such a modification provides a much simpler and more tactile "feel" to the applicants' device.

For at least these reasons, the applicants submit that independent claim 10, as amended, overcomes the Examiner's rejection. Claim 10, and its associated dependent claims, should be therefore be allowable.

IV. Allowable Subject Matter

The applicants wish to thank the Examiner for indicating the allowable subject matter in the application. Allowed claim 19 has been deleted, and the limitations from claim 19 have been integrated into previously amended claim 1 upon which it depends. The language has been rewritten together into new claim 41. Thus, new claim 41 should now be allowable.

Furthermore, pending claims 18, 20 and 21 have been modified to become dependent on allowable claim 41. Therefore, claims 18, 20 and 21 should also be allowable.

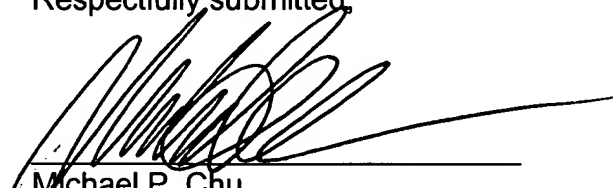
V. Modified FIGURE

As noted above, a substitute page for FIG. 1 is being submitted with the addition of the reference numeral "27a" to accompany the change in the specification above. No new graphical matter has been added other than the reference numeral.

VI. Conclusion

It is submitted that all pending claims are now in condition for allowance. Should the Examiner have any questions or if fewer than all of the pending claims are deemed allowable, the Examiner is asked to contact the undersigned as the number below.

Respectfully submitted,



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ANNEX

IN THE SPECIFICATION:

On page 9, line 14, insert the following sentence after "pivot 24": --The handle portion 27 includes an integral hand grip portion 27a wherein a user's hand can contact and grip the handle portion 27.--

1. (Twice Amended) A clamp device comprising:

a first member having a handle portion and a jaw portion;

a second member having a handle portion and a jaw portion, said handle portion having a hand grip portion integral with said handle portion, wherein the handle portion of the second member defines a notch extending from an outer surface of the handle portion of the second member at least partially into the handle portion of the second member;

a pivot pivotally coupling the first member and the second member intermediate their respective handle portion and jaw portion for opposed pivotal motion;

an arcuate clamp bar having a first end coupled to the first member and a second end, an arc of the arcuate clamp bar being concentric with the pivot; and

a brake lever having an end pivotally coupled to the second member at said notch and having an aperture with the arcuate clamp bar extending therethrough, the brake lever movable laterally between a frictionally engaged position, frictionally engaging the arcuate clamp bar and a disengaged position, and substantially motionless longitudinally.

10. (Amended) A clamp device comprising:

a first member having a handle portion and a jaw portion, one of the jaw portion flexible in an outward direction and biased in an inward direction and the handle portion flexible in an inward direction and biased in an outward direction;

a second member having a handle portion and a jaw portion, said handle portion having a hand grip portion integral with said handle portion;

a pivot pivotally coupling the first member and the second member intermediate their respective handle portion and jaw portion for opposed pivotal motion between an open position and a closed position; and

a locking assembly having a frictionally engaged position preventing the first member and the second member from moving toward the open position and a disengaged position allowing the first member and the second member to move toward the open position.

--- 18. (Amended) A clamp device as claimed in claim 41 [1]
wherein the second member is one piece. ---

---20. (Amended) A clamp device as claimed in claim 41 [1] wherein the brake lever is a single lever. ---

---21. (Amended) A clamp device as claimed in claim 41 [1] wherein the brake lever is a single piece. ---

41. (Newly Added) A clamp device comprising:
a first member having a handle portion and a jaw portion;
a second member having a handle portion and a jaw portion, wherein the handle portion of the second member defines a notch extending from an outer surface of the handle portion of the second member at least partially into the handle portion of the second member;

a pivot pivotally coupling the first member and the second member intermediate their respective handle portion and jaw portion for opposed pivotal motion;

an arcuate clamp bar having a first end coupled to the first member and a second end, an arc of the arcuate clamp bar being concentric with the pivot; and

a brake lever having an end pivotally coupled to the second member and having an aperture with the arcuate clamp bar extending therethrough, the brake lever movable laterally between a frictionally engaged position, frictionally engaging the arcuate clamp bar and a disengaged position, and substantially motionless longitudinally, wherein an end of the brake lever is pivotally coupled to the second member by being disposed within the notch in the handle portion of the second member, the brake lever pivoting against the inner surfaces of the notch in the handle portion of the second member.